

ORIGINAL

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June 25, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th S.W., Room TWB-204
Washington, D.C. 20554

Re: CC Docket No. 98-147
CC Docket No. 96-98

Dear Ms. Salas:

On June 22, 2001, I met with Jordan Goldstein, Senior Legal Advisor to Commissioner Copps. Participating in this meeting by telephone were Keith Milner, Wayne Gray, Ann Haymons and Steve Earnest of BellSouth. The purpose of the meeting was to present BellSouth's position on issues relating to its collocation obligations raised by the *Second Further Notice of Proposed Rulemaking* in CC Docket No. 98-147. The attached document formed the basis for that presentation.

In compliance with the Commission's rules, I am filing two copies of this notice in the proceeding identified above and ask that you associate this filing with those proceedings.

Sincerely,



Kathleen B. Levitz

Attachment

cc: Jordan Goldstein (w/o attachment)

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BellSouth Ex Parte

CC Docket No. 98-147

June 22, 2001

BellSouth Collocation Issues

CC Docket No. 98-147

- ***Section 251(c)(6) states “...physical collocation of equipment necessary for interconnection or access to unbundled network elements...”***
 - *First Report and Order in CC Docket 96-98, paragraph 581 states that the Commission does not require incumbent LECs to allow collocation of any equipment without restriction... 251(c)(2) requires ILECs to provide interconnection for the transmission and routing of telephone exchange and exchange access... and 251(c)(3) requires ILECs to provide access to UNEs for the provision of a telecommunications service...*
- ***BellSouth will allow equipment to be collocated that is necessary for providing interconnection to the BellSouth network and access to Unbundled Network Elements for the provision of telecommunication services. If the equipment is capable of:***
 - *providing telecommunication services, it is acceptable*
 - *providing both telecommunication services and enhanced services and the CLEC provides only telecommunications services, it is acceptable*
 - *providing only enhanced services, it is NOT acceptable*
 - *providing both telecommunication services and enhanced services but the CLEC provides only enhanced services, it is NOT acceptable*
 - *providing both telecommunications services and enhanced services and the CLEC provides both, it is NOT acceptable and NOT required*

BellSouth Collocation Issues

CC Docket No. 98-147

- ***BellSouth is not obligated to provide collocation for purposes other than interconnection with BellSouth's network and/or access to UNEs***
 - *BellSouth has had requests for only fiber termination panels or fiber splices in the central office cable vault for transport carriers who want to cross-connect to collocated CLECs; not to interconnect with BellSouth's network.*
 - *BellSouth has had requests for microwave collocation arrangements wherein the collocator would place up to 50 dishes on the central office roof as 'line of sight' loops to end user premises. Collocator would take the end users' traffic to a collocation arrangement in a central office for aggregation and then on to the collocator's switch via another dish on same rooftop without interconnection to BellSouth's network.*
- ***Any competitor wishing to collocate equipment other than that necessary for "interconnection" and "access to unbundled network elements" has opportunity to do so in "collocation hotels"***

BellSouth Collocation Issues

CC Docket No. 98-147

- ***D.C. Circuit Court vacated paragraph 42 of the Advanced Services Order which provided that ILECs “must give competitors the option of collocating equipment in any unused space within the incumbent’s premises...”***
 - *Court found that the ILEC, as the property owner, had the right of control over its property, a right that could not be dismissed arbitrarily in connection with the provision of physical collocation.*
 - *BellSouth has the authority to determine exactly where in the central office virtual and physical collocation arrangements should be located.*

BellSouth Collocation Issues

CC Docket No. 98-147

- ***CLECs should provide a binding forecast for central office and remote site physical collocation arrangements***
 - *In cases where no collocation arrangement forecast is provided, BellSouth should not be held to the shorter provisioning intervals.*
 - *An accurate forecast assumes an order will follow that reflects the same information provided in the forecast for the collocation arrangement with regard to the equipment to be installed and the power requirements, in addition to the floor space requirements.*
 - *Orders received reflecting information different than that in a forecast should warrant a longer provisioning interval.*

BellSouth Collocation Issues

CC Docket No. 98-147

- ***Commission should define what constitutes an “acceptable collocation application” as a firm order***
 - *In 1999 and 2000, BellSouth processed 8,556 physical collocation **applications** after determining that space was available. The application fee is billed to the Collocator **after space** is determined to be available.*
 - *In 1999 and 2000, BellSouth processed 7,240 **firm orders** for physical collocation. BellSouth bills the firm order and/or space processing fee to the Collocator upon receipt of the firm order.*
 - *Approximately 15% of the applications for Collocation for which space was available did not result in a physical collocation arrangement being installed.*
 - *1,316 Collocation applications resulted in some provisioning expenses not being recovered:*
 - *816 applications were cancelled*
 - *336 applications expired without going to firm order*
 - *164 firm orders were canceled*
 - *BellSouth’s Other Space Preparation fees are recovered as monthly recurring rates (except for Georgia).*

BellSouth Collocation Issues

CC Docket No. 98-147

<u>Type Of Collocation</u>	<u>Application</u>	<u>Space Availability</u>	<u>Completion</u>	<u>Forecasting Exception</u>	<u>CLEC Delays</u>	<u>Vendor Delays</u>
Caged/Cageless conditioned space properly forecast	Day 1	8 Business Days	76 Business Days		Day for Day Adjustment For CLEC Delays	Permits a Negotiated Interval
Caged/Cageless conditioned space unforecasted	Day 1	8 Business Days	76 Business Days	No Forecast - can be extended up to 2 months	Day for Day Adjustment For CLEC Delays	Permits a Negotiated Interval
Caged/Cageless major construction obstacles or special applicant requirements, properly forecast	Day 1	8 Business Days	91 Business Days Upon Notification		Day for Day Adjustment For CLEC Delays	Permits a Negotiated Interval
Caged/Cageless major construction obstacles or special applicant requirements, unforecasted	Day 1	8 Business Days	91 Business Days Upon Notification	No Forecast - can be extended up to 2 months	Day for Day Adjustment For CLEC Delays	Permits a Negotiated Interval
<u>Forecast Received</u>			<u>Interval Starts</u>			
No Forecast			2 months after application date			
1 month prior to application date			2 months after application date			
2 months prior to application date			1 month after application date			
3 months prior to application date			On application date			

BellSouth Collocation Issues

CC Docket No. 98-147

- ***Conditioned*** space is ready for telecom equipment installation with the appropriate building infrastructure in place, e.g. lighting, Heating, Ventilation and Air Conditioning (HVAC). Also, the existing power plant is sufficient to handle the incremental load of the collocator's equipment. BellSouth considers this space condition as "ordinary".
- ***Unconditioned*** space includes areas that are not yet suitable for installation of telecom equipment. No infrastructure (lighting, HVAC, etc.) is in place. It could also include space that must undergo environmental abatement work (e.g. asbestos, lead paint) or work to meet requirements for ADA compliance, etc. BellSouth considers this space condition to be "extraordinary".

BellSouth Collocation Issues CC Docket No. 98-147

- ***BellSouth's analysis for seven states has shown that approximately 44% of the physical collocation arrangements completed by BellSouth still have no service ordered, with 20% of these being idle after more than six months***
 - *Based on a 'snapshot' of TIRKS and LFACS records showing DS0, DS1 and/or DS3 facilities connecting the CLEC's equipment to BellSouth's network within the central office. Records show how many of the facilities are "working" and how many are "spare".*
- ***CLECs claim that BellSouth's provisioning interval is too long yet it takes an average of 116 days for CLECs to do their own provisioning once space has been turned over***

BellSouth Collocation Issues

CC Docket No. 98-147

- ***Many remote enclosures are not practical for collocation due to space limitations, security concerns, power or technical limitations***
 - *Many enclosures are designed to house equipment from a single manufacturer and are selected to fit specific equipment requirements.*
 - *Security concerns – CLECs would have unsupervised access to ILEC and other CLEC equipment and service; no feasible option for locking or securing individual shelves or cards.*
 - *Power requirements, radio frequency interference and heat release are technical concerns regarding equipment located in remote premises.*
- ***Where collocation in a remote premises is not technically feasible, the CLEC has adjacent collocation rights***
- ***Principle of equipment segregation permitted in central office environments should also apply to remote premises collocation***
- ***CLECs should provide ILECs a forecast of equipment to be utilized in remote sites for the ILEC to determine compatibility in remote environment (e.g., heat release, power requirements, etc.)***